

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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CIVIL ACTION NO. 04-30070MAP

Peter K. Frei,
Plaintiff,

V.

TOWN OF HOLLAND, et al,
Defendant(s)

U.S. DISTRICT COURT
DISTRICT OF MASS.

MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION FOR A REQUEST TO ENLARGE TIME

After the defendants finally submitted their answer to plaintiff's amended complaint on September 14, 2004, plaintiff filed his motion to strike answers and affirmative defenses on October 4, 2004.

Plaintiff was still preparing his initial disclosure pursuant to rule 26 when defendants served their motion for judgement on the pleadings on January 17, 2005. This court allowed plaintiff pro se more time to oppose defendants 38 page memorandum in support of their motion. This opposition with memorandum will be served to the defendants and filed with this court tomorrow, February 24, 2005.

According to the order of this Court, issued on September 1, 2004, all written discovery and non-expert depositions should be completed by March 14, 2005, less than three weeks from the date of filing of this motion.

The scheduled case management conference would take place ten days later, on March 24, 2005 at 10:00 a.m.

Neither party has complied with the initial disclosure requirement pursuant to rule 26 yet.

Plaintiff pro se is diligently working on this case every minute he can, including Saturdays and Sundays.

Not only is it difficult to write all this motions and oppositions; before plaintiff can start writing certain papers he first needs to learn how to do so by studying the law and the rules, reading opinions and cases cited by the defendants etc. Plaintiff assures that he does all he can to move this case forward as efficiently as possible, while being mindful to preserve judicial resources.

If the future will be anything like the past ten months, plaintiff would assume that initial disclosure and discovery and requests for admissions will be conducted by both parties as zealously as the proceedings in the past.

Clearly, more time is needed.

Plaintiff conferred with defendants counsel according to L.R. 7.1.A(2), (phone conference with Dorothy Varon on February 22, and 23, 2005). Defendants counsel would only consent to plaintiff's motion if plaintiff would include a request to stay proceedings until this court rules on defendants motion for judgement on the pleadings, which plaintiff refused to do.

WHEREFORE, plaintiff respectfully asks this Court to postpone the scheduled case management conference of March 24, 2005, at 10:00 a.m. and allow more time for initial disclosure, discovery, taking